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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7760
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1927
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEHKO/AMEMBASSY TOKYO 1451
RUEHWL/AMEMBASSY WELLINGTON 2274
RUEHBAD/AMCONSUL PERTH 0542
RHHJJPI/USPACOM HONOLULU HI
RHMCSUU/FBI WASHINGTON DC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L JAKARTA 000167

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DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR BOULDIN/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 01/28/2018

TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ID](#)

SUBJECT: BALI BOMBERS MAKE LAST-DITCH EFFORT TO DELAY
EXECUTION

REF: A. JAKARTA 118

- [1](#)B. 07 JAKARTA 3451
- [1](#)C. 07 JAKARTA 2753
- [1](#)D. 07 JAKARTA 2658

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: Lawyers for the three terrorists who carried out the 2002 Bali bombing are requesting a second judicial review of the Supreme Court decision confirming their death sentences. Their appeals exhausted, the condemned bombers have been given until February 2 to request clemency or face execution. The lawyers added that they will appeal to a judicial watchdog and a conservative Muslim group for assistance. These last ditch efforts to delay the executions appear very unlikely to succeed. END SUMMARY.

YET ANOTHER APPEAL

[1](#)2. (SBU) Muslim Defense Team (TPM) chief Ahmad Michdan announced on January 24 that he had filed a second request for a judicial review of the case of the three Bali bombers. (Note: The TPM often defends Muslim extremists.) The three convicted terrorists--Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron alias "Muklas"--were sentenced to death in 2003 for carrying out the deadly attack in October 2002. Their sentences were upheld twice on appeal.

[1](#)3. (SBU) Their initial request for a judicial review--a formal process provided by law when all appeals have already failed--was rejected by the Supreme Court in August 2007 (ref D). According to Michdan, that decision was invalid because the TPM did not have an opportunity to present evidence to support the request. (Note: In fact, the TPM boycotted the January 2007 court hearing in Bali in protest of the fact that its request for a change of venue to Central Java had not been ruled on.) Michdan--in somewhat vague terms--also said the TPM would request assistance from the Judicial Commission (a judicial watchdog group) and the Islamic

Clerics' Council (MUI).

GOI STANDS FIRM

¶4. (C) For its part, the government is standing firm. In response to the TPM announcement, Supreme Court spokesman Djoko Sarwoko stated that Indonesian law allows for a single judicial review only, a view confirmed by a source at the Attorney General's office (AGO). A Deputy Attorney General, ¶A. H. Ritonga, reiterated publicly this week that the bombers' only remaining legal recourse was to request presidential clemency, which the terrorists have repeatedly said they would not do. The 30-day clock for that request will stop ticking on February 2 and the executions, according to Ritonga, would happen soon after that. If a clemency request were made, the government would need time to examine it. It is unlikely to be granted, however.

DESPERATE MEASURES

¶5. (C) The Supreme Court's unambiguous rulings on this case, combined specifically with its prior rejection of the bombers' appeals, leave little room for doubt about its resolve. Furthermore, it seems unlikely that the scandal-ridden Judicial Commission will want to risk further sullyng its image (ref C) by defending what may be Indonesia's most heinous criminals. Similarly, while the MUI has adopted conservative stances in the past, it has never supported terrorism and would gain little with the Indonesian public by allying itself with the bombers' case. In short, the latest moves by the TPM are unlikely to derail the momentum building towards carrying out the executions.

HUME